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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

18 CHRIST'S CHURCH OF MT.  
19 SPOKANE; WESTGATE CHAPEL,

20 *Plaintiffs,*

21 v.

22 JAY INSLEE, et al.,

23 *Defendants.*

Case No.: 2:20-cv-00197

Judge Thomas O. Rice

**NOTICE OF WITHDRAWAL  
OF PLAINTIFFS' MOTION  
FOR PRELIMINARY  
INJUNCTION**

1 PLEASE TAKE NOTICE that Plaintiffs Christ's Church of Mt.  
2 Spokane and Westgate Chapel ("the Churches") hereby withdraw their  
3 Motion for Preliminary Injunction (ECF No. 37) due to the State  
4 Defendants' issuance yesterday of a new proclamation removing the hard  
5 cap on attendance at worship services.

6 On December 16, 2020, the Churches filed their Motion for  
7 Preliminary Injunction, seeking to enjoin enforcement of the State  
8 Defendants' COVID-19 orders and guidance in effect since the Churches  
9 filed their Second Amended Verified Complaint. For months, those orders  
10 restricted houses of worship to 25% capacity or 200 people, whichever is  
11 less. Due to the Supreme Court's decision in *Roman Catholic Diocese of*  
12 *Brooklyn v. Cuomo* and the Ninth Circuit's decision in *Calvary Chapel*  
13 *Dayton Valley v. Sisolak*, and given the upcoming religious holiday, the  
14 Churches requested an expedited hearing to obtain injunctive relief  
15 before Christmas. (ECF No. 38). On December 18, 2020, the Court  
16 graciously granted the Churches' motion and scheduled an expedited  
17 hearing for December 23, 2020.

18 At 4:48 p.m. (PST) on December 22, 2020, the Defendants filed a  
19 response notifying the Churches for the first time that, the previous day,  
20 December 21, 2020, the State Defendants issued a *new* order,  
21 Proclamation 20-25.10, modifying their restrictions on houses of worship.  
22 ECF No. 47. This new order was included as an exhibit to Defendant  
23 Knezovich's response. ECF No. 47 at n.1. Under Proclamation 20-15.10,  
24 houses of worship are subject to the 25% capacity limit, but the order now  
25 says the numerical cap of 200 people is not inflexible but merely  
26 *recommended*.

1 While the Churches appreciate the State Defendants' change in  
2 position, it is disheartening that they chose to wait until the last possible  
3 moment to do so. Hard numerical caps on religious services constituted a  
4 significant component of Defendants' orders for months, and therefore,  
5 constituted a significant component of the Churches' motion for  
6 preliminary injunction. The State Defendants' response asserts  
7 arguments of equal treatment that rely entirely on this newly issued  
8 order specifically designed to rebut the Churches' challenge to hard  
9 numerical caps.

10 Given Defendants' concession removing the inflexible 200-person  
11 cap on religious services, the Churches withdraw their motion for  
12 preliminary injunction and will request a status conference in the new  
13 year.

14 Respectfully submitted this 22nd day of December, 2020.  
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1  
2 s/ Ryan J. Tucker  
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**Certificate of Service**

I hereby certify that on the 22nd day of December, 2020, the foregoing was filed with the Clerk of Court using CM/ECF system, which in turn automatically generated a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF system.

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